

Message Text

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43

ACTION NEA-10

INFO OCT-01 AF-04 ISO-00 SCA-01 VO-03 INSE-00 L-02 JUSE-00

IO-10 SY-04 RSC-01 SCCT-01 USSS-00 /037 W

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R 231535Z DEC 74

FM AMEMBASSY BEIRUT

TO SECSTATE WASHDC 1992

INFO AMEMBASSY ABU DHABI

USINT ALGIERS

AMEMBASSY AMMAN

AMEMBASSY CAIRO

AAEMBASY DAMASCUS 809

AMCONSUL JERUSALEM

AMEMBASSY JIDDA

AMEMBASSY KHARTOUM

AMEMBASSY KUWAIT

AMEMBASSY MANAMA

AMEMBASSY MUSCAT

AMEMBASSY NOUAKCHOT

AMEMBASSY RABAT

AMEMBASSY SANAA

AMEMBASSY TEL AVIV

AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

USINT BAGHDAD

C O N F I D E N T I A L SECTION 1 OF 2 BEIRUT 15287

FOR NEA, SCA, SCA/VO, L

KUWAIT PASS DOHA

FOR ASSISTANT SECRETARY ATHERTON, NE

E.O. 11652: GDS

TAGS: CVIS PFOR XF PLO

SUBJECT: VISA INELIGIBILITY: PALESTINE LIBERATION ORGANIZATION

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SUMMARY: I HAVE CAREFULLY STUDIED REFTTEL'S#REPORT OF

INS DECISION THAT MEMBERS AND AFFILIATES OF PLO AND ASSOCIATED FEDAYEEN ORGANIZATIONS ARE HENCEFORTH ELIGIBLE FOR VISAS UNDER SECTION 212(A)(28)(F) OF INA. AS INS DECISION GIVES US PROBLEMS, BOTH RE IMPLEMENTATION AND SUBSTANCE, WE WISH TO OBTAIN FURTHER INFORMATION RE BASIS FOR THAT DECISION, TO POSE CERTAIN SPECIFIC QUESTIONS RE ITS APPLICABILITY IN PRACTICE, AND TO SUGGEST THAT IT BE RECONSIDERED BY DEPT WITH VIEW TO REVOCATION OR MODIFICATION. END SUMMARY.

1. IN OUR OPINION, CONSULAR OFFICERS ABROAD WILL FIND JUSTICE DEPT'S SWEEPING DECISION RE PLO AND ASSOCIATED ORGANIZATIONS EXTREMELY DIFFICULT TO INTERPRET IN PRACTICE WITHOUT FURTHER DETAILED GUIDANCE FROM DEPT. ONE POTENTIAL SOURCE OF CONFUSION MAY STEM FROM FACT THAT PLO IS UMBRELLA ORGANIZATION EMBRACING VARIETY OF DISPARATE AND OFTEN MUTUALLY-OPPOSED CONSTITUENT GROUPS. FEDAYEEN GENERALLY ARE "MEMBERS" (IN USUALLY ACCEPTED CARD-CARRYING SENSE OF "MEMBERSHIP") OF THEIR PARTICULAR GROUPS (E.G., FATAH, PFLP, SA'QA, PLA, ETC.), NOT RPT NOT OF PLO. SOME, OF COURSE, COMBINE THEIR GROUP MEMBERSHIP WITH "OFFICIAL" PLO RESPONSIBILITIES (E.G., FATAH'S 'ARAFAT IS CHAIRMAN OF PLO EX COMM, PFLP'S ABD RABBO HEADS PLO INFORMATION APPARATUS, ETC.). ONLY A FEW "INDEPENDENTS" CAN BE SAID TO POSSESS STATUS PURELY AS PLO "MEMBERS" (E.G., MUHAMMED ZEHDI NASHASHIBI AND PALESTINE NATIONAL FRONT ACTIVISTS ABDUL MUHSEN ABU MAYZAR AS PLO EX COMM MEMBERS). FURTHERMORE, RETROACTIVE NATURE OF PLO "MEMBERSHIP". AS APPARENTLY ENVISAGED IN INS DECISION CAUSES US SAME PROBLEMS AS THOSE OUTLINED IN AMMAN 7596.

2. IN ADDITION TO POSSIBLE CONFUSION OVER QUESTION OF "MEMBERSHIP". APPLICATION OF INS DECISION TO PLO "AFFILIATES" OR "ADVOCATES" IS LIKELY TO CAUSE EVEN KNOTTIER PROBLEMS. WHILE THERE WILL PROBABLY BE LITTLE DIFFICULTY IN DEALING WITH PERSONS WHOSE PLO AFFILIATION STEMS FROM THEIR KNOWN MEMBERSHIP IN PLO'S CONSTITUENT ORGANIZATIONS, OUR EXPERIENCE IS THAT OTHER TYPES OF PLO "AFFILIATES" OR "ADVOCATES" ARE EXTREMELY NUMEROUS, CONFIDENTIAL

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WITH MANY NOT ALWAYS EASY TO IDENTIFY AND OTHERS ONLY TOO PROMINENT--ESPECIALLY FROM POLITICAL VIEWPOINT. AMONG PALESTINIANS ALONE, THERE ARE LITERALLY THOUSANDS OF PERSONS WHO "ADVOCATE" PLO'S EXPRESSED GOALS (AS DEFINED IN PALESTINE NATIONAL CHARTER) VIS-A-VIS ISRAEL. IN ADDITION, THERE ARE PROMINENT NON-PALESTINIAN FIGURES IN ALMOST EVERY ARAB COUNTRY WHO "ADVOCATE" OR OTHERWISE ENDORSE THOSE GOALS AND WHO HAVE GONE ON

PUBLIC RECORD TO THAT EFFECT ON COUNTLESS OCCASIONS.
(RECENT EXAMPLES ARE PRESIDENT FRANGIE'S NOV 14 SPEECH AT
UNGA AND PRIMIN SOLH'S PUBLIC UTTERANCES BEFORE AND SINCE HE
TOOK OFFICE HERE SEVERAL WEEKS AGO.) RABAT SUMMIT CON-
FERENCE SAW ALL ARAB HEADS OF STATE ENDORSING PLO'S
"ARMED STRUGGLE" AND ITS CLAIM TO REPRESENT PALESTINIANS
EVERYWHERE; EGYPTIAN, SYRIAN, IRAQI AND ALGERIAN GOVTS
PROVIDE RADIO FACILITIES FOR DAILY PLO BROADCASTS; AND
THERE ARE FEW ARAB STATEW SHICH DO NOT CONTRIBUTE PUBLIC
FUNDS TO AND/OR ENCOURAGE COLLECTION OF PRIVATE
DONATIONS FOR PLO AND ITS CONSTITUENT GROUPS. VVIEWED
IN THIS LIGHT, PROBLEM OF DEFINING "AFFILIATES" AND
"ADVOOCATES" OF FEDAYEEN MOVEMENT CAN TAKE ON ENORMOUS
PROORTIONS AND HAVE STICKY FOREIGN POLICY REPERCUSSIONS
FOR US RELATIONS WITH MANY ARAB GOVTS.

3. SEEMS TO US THAT EFFORTS BY CONSULAR OFFICERS
ABROAD TO IMPLEMENT INS DECISION ON BASIS OF EXISTING
GUIDANCE WILL FIND USG APPLYING VISA INELIGILITY TO
EVER-WIDENING RANGE OF ARABS WHOSE SYMPATHIES FOR OR
TENUOUS (OR NOT SO TENUOUS) LINKS WITH A FEDAYEEN MOVE-
MENT MIGHT CAUSE THEM TO BE LUMPED TOGETHER AS "AFFILITE
ATES" OR "ADVOCATES" OF PLO. FROM STANDPOINT OF US
FOREIGN POLICY INTERESTS, WE DO NOT RPT NOT THINK THIS
SHOULD BE ALLOWED TO HAPPEN.

4. ROM SAME STANDPOINT, AND IN LIGHT OF REPEATED
OFFICIAL USE PROFESSIONS RE NEED FOR ME SETTLEMENT
PROCESS TO TAKE INTO ACCOUNT LEGITIMATE PALESTINIAN IN-
TERESTS AND ASPIRATIONS, WE FEAR THAT APPLICATION OF
INS DECISION AS IT NOW STANDS COULD CAUSE OUR GOOD

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C O N F I D E N T I A L SECTION 2 OF 2 BEIRUT 15287

FAITH TO BE QUESTIONED, PLACE US IN POSITION OF ADOPTING
POLICY OF UNSWERVING NON-RECOGNITION OF AND HOSTILITY
TO PLO IN PARTICULAR AND PALESTINIANS IN GENERAL, AND
CAUSE US TO LOSE TOUCH WITH THOSE PALESTINIANS WHOSE
VIEWS, INFLUENCE AND RATIONAL APPROACH TO AREA PROBLEMS
COULD PROVE USEFUL TO US IN FUTURE. SHOULD THIS HAPPEN,
WE WOULD BE GIVING IMPRESSION OF HAVING GONE BEYOND PROPER
OBJECTIVE OF PROTECTING AMERICAN AND FRIENDLY
FOREIGN INTERESTS AGAINST TERRORISM BY ADOPTION OF VISA
POLICY AIMED AT PALESTINIANS AND OTHER ARABS WHO MAY NOT
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HOLD VIEWS ENTIRELY CONSISTENT WITH THOSE OF USG.

5. WE ALSO NOTE IN PASSING THAT WORDING OF REFTEL GIVES
IMPRESSION, PERHAPS INADVERTENT, THAT THIS DECISION RE
INELIGIBILITY FOR ISSUANCE OF VISAS RPT VISAS WAS MADE
BY INS OF DEPT OF JUSTICE, NOTWITHSTANDING FACT THAT
SUCH DECISIONS ARE NORMALLY RESERVED TO DEPT OF STATE
AND ITS CONSULAR OFFICERS.

6. EXISTING BOULDER PROCUDURES HAVE RAISED PUBLIC RELATIONS PROBLEM WHICH IS ANNOYING BUT MANAGEABLE. INS DECISION IS GOING TO RAISE DISCRIMINATION ISSUE EVEN MORE THAN BOULDER PROCEDURES. ALTHOUGH THERE IS NO EXPLANATION THAT WILL CONVINCE PALESTINIANS, NOT TO MENTION THE PLO, THAT INS ACTION IS NOT RPT NOT DIRECTED SOLELY AT THEM, INFO THAT USG HAS TAKEN SIMILAR ACTION AGAINST OTHER SUCH ORGANIZATION THROUGHOUT THE WORLD WOULD BE HELPFUL.

7. ACTION RQUESTED: WE THEREFORE STRONGLY URGE DEPT GIVE URGENT RECONSIDERATION TO INS DECISION OUTLINED REFTEL. USG MUST CONTINUE MAKE EVERY EFFORT TO PREVENT ENRTY INTO US OF PERSONS WHO ARE BENT ON MOUNTING TERRORIST OPERATIONS AGAINST OUR OWN INTERESTS OR THOSSE OF FRIENDLY GOVTS, OR WHO ARE OTHERWISE INELIGIBLE FOR VISAS. IN OUR VIEW, PRESENT BOULDER SYSTEM OF CONSIDERING POSSIBLE INELIGIBILITY ON CASE-BY-CASE BASIS HAS WORKED WELL ON THE WHOLE REPREVENTION OF TERROIST ENTRY INTO US. WE DOUBT NEW MEASURES WILL PROVIDE ANY GREATER PROTECTION.

8. IN THE INTERIM, TO HELP US TO IMPLEMENT INS DECISION IN MANNER THAT WILL DO LEAST DEMAGE TO OUR RELATIONS WITH PALESTINIANS IN PARTICULAR AND ARABS GENERALLY, WOULD BE HELPFUL TO HAVE RSPONSE TO FOLLOWING SPECIFIC QUESTIONS:

(A) WHICH OF FOUR NUMBERED PARTS OF SECTION 212(A)(28)(F) WERE DETERMINED TO APPLY TO PLO ASSOCIATED GROUPS?

(B) HAVE MEMBERS OR AFFILIATES OF OTHER REVOLUTIONARY AND/OR TERRORIST GROUPS BEEN FOUND SIMILARLY INELIGIBLE AS A CLASS UNDER THIS ECTION? WOULD INS DECISION IMPLY

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SIMILAR FINDINGS FOR MEMBERS OR AFFILIATES OF SUCH ORGANIZATIONS AS ALGERIAN FLN, CYPRIOT EOKA, MOZAMBICAN FRELIMO, IRISH REPUBLICAN ARMY, QUEBEC LIBERATION FRONT, ETC.

GODLEY

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